IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 27259 of 2006(T)

PETITIONER:

K.PURUSHOTHAMAN NAIR, S/O.KRISHNA PILLAI
T.C.NO.40/1026, K.P.NIVAS,
WEST ARUVIKARA LANE, MANACAUD, TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
COLLECTORATE, TRIVANDRUM.

2. THE TALUK THAHSILDAR, NEDUMANGAD.

3. SHANTHI KUMAR, S/O.KRISHNAN NAIR,
SANKARAVILASOM, IRUMBA, ARUVIKARA,
TRIVANDRUM.

4. PADMAKUMARI, SANKARAVILASOM,
IRUMBA, ARUVIKARA, TRIVANDRUM.

BY ADV. SRI.R.S.KALKURA – R3 & R4
ADV. SMT. N.SUDHA DEVI – GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 27259/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE SALE DEED NO.474/2005 DATED 16/02/2005 OF THE KARAKULAM SUB REGISTRY OFFICE.

EXT.P2 COPY OF THE SALE DEED NO.273/1980 DATED 15/02/1980 OF THE KARAKULAM SUB REGISTRY OFFICE.

EXT.P3 COPY OF THE COMMISSION REPORT AND PLAN IN O.S. NO.224/2006 OF THE MUNSIFF COURT, NEDUMANGAD.

EXT.P4 COPY OF THE COMPLAINT DATED 22/05/2006 BEFORE THE 1ST RESPONDENT BY THE PETITONER.

EXT.P5 COPY OF THE REGISTER NO.3 OBTAINED FROM THE TAHSILDAR, NEDUMANGAD.

EXT.P6 COPY OF THE PROCEEDINGS IN I.S.A. 1166/98 OF THE SUPERINTENDENT OF SURVEY (RE-SURVEY), NEDUMANGAD.

EXT.P7 COPY OF THE PLAN OF THE SUPERINTENDENT OF SURVEY (RE-SURVEY), NEDUMANGAD.

EXT.P8 COPY OF THE FIELD REGISTER.

RESPONDENT'S EXHIBITS

EXT.R4(a) COPY OF THE ORDER OF ASSIGNMENT DATED 27/09/1989 ISSUED BY THE 2ND RESPONDENT.

EXT.R4(b) COPY OF THE THANDAPER REGISTER.

EXT.R4(c) COPY OF THE TAX RECEIPT FOR THE PROPERTY.

EXT.R4(d) COPY OF THE SAME DEED NO. 279/71 DATED 02/03/1971.

EXT.R4(e) COPY OF THE APPROVED RESURVEY PLAN OF THE PROPERTIES IN THE POSSESSION OF THE PETITIONER AND RESPONDENTS.

EXT.R4(f) COPY OF THE PLAINT IN OS NO.214/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 27259 of 2006

Dated, this the 15th day of January 2007

J U D G M E N T

Even though there is a dispute between the petitioner and 3rd & 4th respondents before the Civil Court, which is now in the appeal stage, petitioner is entitled to get his property measured out, for which an application is filed before the District Collector. I do think that there is any need of the District Collector to involve in this matter. The petitioner can make an application before the Village Officer along with a copy of the title deed and it is for the Village Officer to issue notice to neighboring owners and to the petitioner, and measure and demarcate the property, so that this dispute may get settled. If the dispute is settled, the parties can withdraw the civil suit. Accordingly, Village Officer is directed to measure out and demarcate the property of the petitioner, after conducting survey, within a period of one month from the date of production of a copy of the judgment. Petitioner shall file an application along with a copy of the title deed before the Village Officer for compliance.

This writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE.

jg